

AN ORDINANCE

TO FACILITATE THE PERMITTING AND GROWTH OF FOOD TRUCKS IN THE CITY OF GREENVILLE AND TO REVISE THE REGULATION OF OTHER MOBILE FOOD VENDORS BY REPEALING AND REPLACING DIVISION 4, "MOBILE FOOD VENDOR VEHICLE," OF CHAPTER 8 OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE

WHEREAS, current ordinances on mobile food vendor services do not provide for food trucks specifically and are otherwise outdated; and

WHEREAS, City Council desires to promote the growth of the food truck industry within the context of the community's economic and social fiber in order to get the benefits of good food truck service practices without undue harm to other community stakeholders; and


WHEREAS, a committee of staff and local business leaders presented ideas for achieving the aforementioned goal; and

WHEREAS, City Council also instructed that food truck vendors be afforded opportunities for meaningful input which has now been received; and

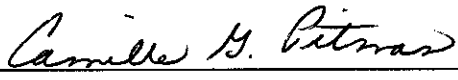
WHEREAS, the purpose of these changes can best be achieved by the repeal of Division 4, "Mobile Vendors," of Chapter 8 of the City Code;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, Division 4, "Mobile Vendors," of Chapter 8 of the Code of Ordinances of the city of Greenville is repealed. A new Division 4, "Mobile Food Vendor Vehicle," including language regarding food trucks, shall be enacted to include the provisions as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

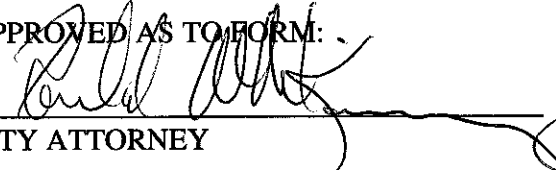
DONE, RATIFIED AND PASSED THIS THE 10 DAY OF June, 2013.


MAYOR PRO TEM

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

REVIEWED:



CITY MANAGER

EXHIBIT A

DIVISION 4 MOBILE FOOD VENDOR VEHICLE

- Sec. 8-361. – Definitions.**
- Sec. 8-362. – Required compliance with division.**
- Sec. 8-363. – Mobile food vendors on city property and right-of-ways.**
- Sec. 8-364. – Mobile food vendors on private property.**
- Sec. 8-365. – Contents of application.**
- Sec. 8-366. – Submitting false information.**
- Sec. 8-367. – Mobile food vendor city decal permits fee and display.**
- Sec. 8-368. – Contents of decal permit.**
- Sec. 8-369. – Records.**
- Sec. 8-370. – Display.**
- Sec. 8-371. – Term.**
- Sec. 8-372. – General maintenance requirements.**
- Sec. 8-373. – Inspections.**
- Sec. 8-374. – Revocation.**

Sec. 8-361 Definitions

Mobile Food Vendor is defined as any person selling food from a mobile vehicle – this does not include a Food Trailer.

Mobile Food Vendor Vehicle is defined as a self-contained, motorized vehicle mounted food service unit that returns daily to its base of operations as approved by DHEC and is used for either the preparation or the sale of food products, or for both.

Food Truck is defined as an enclosed motor vehicle equipped with facilities for preparing, cooking and selling various types of food products.

Food Trailer (Concession Style) is defined as an enclosed attached or detached trailer that is equipped with facilities for preparing, cooking and selling various types of food products.

Mobile Market Food Truck is defined as an enclosed motor vehicle equipped with facilities for the sale of locally grown fresh produce. The produce sold is in its original form and has not been altered or cooked in any other way inconsistent with it coming fresh from the fields and/or gardens in which it was grown.

Catering Truck is defined as a truck, van, or similar vehicle from which the vendor offers for sale foods and beverages that are prepackaged. It serves mostly manual labor type venues (example: construction sites).

Ice Cream Truck is defined as a motor vehicle containing a commercial freezer and from which a vendor sells frozen prepackaged food products such as ice cream, frozen yogurt, frozen custard, flavored frozen water and similar.

Sec. 8-362 Required.

It shall be unlawful for any person to engage in business as a mobile food vendor within the city without first obtaining a City of Greenville business license and mobile food vendor decal to do so. Upon being granted a business license and mobile food vendor decal the vendor must comply with the affirmative mandates and must not violate the prohibitions regarding sales, operations, locations, and restrictions contained in this division. The failure to do so may result in the revocation or suspension of the business license and decal.

At the time of application for a business license, the mobile food vendor must provide proof of general liability insurance for operation of the vehicle as a motor vehicle and the conduct of the business if the business is to be conducted on public streets or city owned property in amounts reasonably determined by the city in consultation with its risk manager. Failure to maintain this insurance will result in immediate revocation of the license.

Each licensed Mobile Food Vendor must maintain for patrons' use a litter receptacle of sufficient size to accept the litter being generated by the sales from the vendor's vehicle at the point of sales. The receptacle must be maintained in such a manner as to preclude an over flow of refuse. The city highly encourages recycling receptacles for recyclable material. Each vendor shall pick up litter which is associated with the vendor's sales in the vicinity of the vendor's mobile food vehicle prior to departing a sales location. A pattern of leaving excessive litter caused by product packaging shall be a basis of suspension or revocation of the business license.

Mobile Food Vendors shall be limited to edibles and hot and cold beverages containing no alcohol. The selling of nonfood or drink items shall limited to merchandise displaying the Mobile Food Vendor company logo and/or branding. No items may be displayed outside of the vehicle.

The licensee must provide to the city, at time of application for a business license, proof of public liability insurance in the currently required amount by the state. Failure to maintain this insurance can result in immediate revocation of the license. All Mobile Food Vendors must be self-contained and not utilize any outside power source.

Mobile Food Vendor shall prominently display the original South Carolina DHEC (Department of Health Environmental Control) food inspection report that shows a posted grade, unless exempt.

Sec. 8-363 Streets and public property.

A. *Ice cream trucks*

- a. Ice cream trucks must not operate within the Central Business District (CBD), unless approved by the city as part of a permitted special event or contracted with the Parks and Recreation Department.
- b. In all locations outside the CBD, ice cream trucks must remain mobile, except for periodic stops for short periods of time in order to make a sale.

- c. The allowable hours of operation are between 9:00am and one half hour before sunset, as stated for that day for the Greenville area by the National Weather Service.
- d. Ice Cream Truck may not sound any device which produces an offensive or loud noise to attract customers, and shall not use any public address system on the vehicle to broadcast or advertise products. A bell or musical recording may be sounded for a period not to exceed five minutes to announce the arrival of the vehicle at each location.

B. Food Trucks, Mobile Market Food Truck

- a. Food Trucks and Mobile Market Food Truck are prohibited from operations on any street, sidewalk, alley, trail, or other right of way or on any city owned property, including plazas and parks, unless approved by the City as part of a permitted special event or contracted with the Parks and Recreation Department or parked in a City designated food truck parking space within the assigned dates and times.
- b. Mobile Food Truck and Mobile Market Food Trucks that are part of a permitted special event from out of town or out of state will not be required to obtain the Mobile Food Vendor decal. They will be required to obtain the SC DHEC permit and pass the general maintenance requirements.
- c. No Mobile Food Vendor shall sound any device which produces an offensive or loud noise to attract customers, and vendors shall not use any public address system on the vehicle to broadcast or advertise products.

Sec. 8-364 Mobile food vendors on private property.

Food Trucks, Mobile Market Food Truck, Ice Cream Trucks and Catering Trucks

All Mobile Food Vendors shall be subject to the following regulations in their operation on private property.

- 1. No Mobile Food Vendor shall operate within 250 feet from the door of a lawfully established eating establishment that is actively open for business serving customers unless the food truck vendor provides documentation, which is signed by the restaurant owner, that the restaurant owner interposes no objection to a closer proximity. If a restaurant opens within the 250' zone after the Mobile Food Vendor has their annual decal, the Food Truck Vendor may remain in that location until the following annual permit is due at which time they would have to obtain written permission from the new restaurant owner.
- 2. Mobile food vendors will be only be permitted to locate in Zoned areas C1, C2, C3, C4, RDV and S1. In addition, a Mobile Food Vendor operating under this division shall submit to the city an application that must include:
 - a. The written permission from the private property owner for each location.
 - b. A list of all request sites to include the property owner and physical address.
- 3. No Mobile Food Vendor shall operate outside the hours of 8 A.M. to 10:00 P.M. However, a Mobile Food Vendor may apply for additional authorization to operate after 10 P.M. but under no conditions later than 1:00 A.M. the following day. At the

end of each business day's operation, the vendor shall remove from the parcel the Mobile Food Vendor vehicle and all materials associated with the business.

4. No Mobile Food Vendor shall sound any device which produces an offensive or loud noise to attract customers, and vendors shall not use any public address system on the vehicle to broadcast or advertise products.
5. Catering Trucks cannot serve to the general public.

Sec. 8-365 Contents of application.

Applicants for a permit under this division shall file with the revenue administrator a sworn application in writing on a form to be furnished by the revenue administrator, which shall give the following information:

1. The name and a description of the applicant.
2. The applicant's permanent street address and mailing address.
3. A brief description of the nature of the business and goods to be sold.
4. Two color photographs of the applicant taken within 30 days immediately prior to the date of filing the application, photographs shall be two inches by two inches in size, showing the head and shoulders of the applicant in a clear and distinguishing manner.
5. A ten (10) year background check as to whether or not the applicant has been convicted of any criminal offense, other than a moving violation, and the punishment or penalty assessed therefor.
6. A ten (10) year Driving Record. Certified by the South Carolina Department of Transportation or the comparable agency of any state in which the applicant has lived in the last ten years.
7. A copy of the vehicle(s) registration.
8. Color photographs of the vehicle(s) interior and exterior in sufficient number to provide permitting officials to be familiar with all the exterior and interior views of the mobile food vendor vehicle. Such other relevant information as may be reasonably required by city after a review of the submission of the above material in order to assure a full review of information needed to assess the impact of the proposed operation on the health, safety, and well-being of the public.

Sec. 8-366 Submitting false information.

It shall be unlawful for any person to provide any false or misleading information in connection with his application for a permit required by this subdivision or to withhold relevant information otherwise required.

Sec. 8-367 Mobile Food Vendor city decal permit fee and display.

Each applicant upon being issued a permit under this division shall also be issued a decal which the vendor must display on the front right windshield's lower corner, or at such other location as the city in writing shall approve. There shall be due at the time of application a fee for the permit and decal in an amount set by the City Manager in a schedule of fees. When the annual permit expires on December 31 of any given year, the fee shall also be due upon the applicant submitting a renewal application.

Sec. 8-368 Contents of decal permit.

Each city decal permit issued under this division shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of the permittee, the class of permit issued and the kind of goods to be sold thereunder, the date of issuance, and the length of time the permit shall be operative, as well as the permit number and other identifying description of any vehicle used in such business. The permit and decal are issued to a specific vendor for a specific vehicle. No vendor may transfer a permit or decal to another vendor. No vendor shall transfer a permit or decal to another vehicle owned or controlled by the same vendor. In the event the vendor acquires during a calendar year a replacement vehicle to serve the same purpose as the vehicle for which the city issued a permit and decal, then a replacement permit and decal shall be issued at a nominal fee and the original permit and decal shall become null and void, and must be returned to the city prior to the issuance of replacements.

Sec. 8-369 Records.

The revenue administrator shall keep a permanent record of all permits issued under this subdivision.

Sec. 8-370 Term.

Every permit issued under the provisions of this division shall expire December 31 each year.

Sec. 8-371 General maintenance requirements.

- A. All exterior body work and mechanical equipment of any mobile food truck vendor shall be maintained in good and clean condition and free of excessive wear or damage.
- B. All exterior paint work shall be maintained in good condition, free of substantial scratches, chips, rust, dents and abrasions.
- C. All windshield and window glass shall be maintained free from cracks, scratches, pitting, abrasions or any other conditions that may cause a hazard or reduce clarity of vision below the level specified by the manufacturer.
- D. Any other type of damage or possible public hazard deemed appropriate by the city inspector.

Sec. 8-372 Inspections.

- A. Nothing in this division shall be construed as limiting or replacing the role of South Carolina DHEC (Department of Health and Environmental Control), which has the primary task of inspecting mobile food vendors.
- B. The city inspector or his agents shall have the right, at any time, after displaying proper identification, to enter into or upon any mobile food vendor vehicle for the purpose of ascertaining whether or not any of the provisions of this division are being violated.
- C. Any Mobile Food Vendor vehicle which is found, after any city inspection, to be unsafe or in any not compliant with this division may be directed to be out of operation until the cited deficiency is corrected, and before again being placed in service shall be delivered to the inspector at a designated point for re-inspection. Every Mobile Food Vendor must institute a system of regular weekly inspections of all the vendor's Mobile Food Vendor vehicle(s) and equipment and must keep all equipment in proper repair and sanitary conditions at all times.

Sec. 8-373 Penalties, suspension, and evocation.

Violations of this division shall be subject to the City Code's general penalties clause of Section 1-5. The City may also issue a stop order of suspend or revoke the permit and the Business License Ordinance.

Sec. 8-374 Reserved